

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS,
SEPTEMBER 4, 2007 AT 7:00 P.M.**

The City Council of the City of Leon Valley, Texas, met for a Regular City Council Meeting on the 4th day of September 2007 at 7:00 p.m., at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

REGULAR CITY COUNCIL MEETING - 7:00 P.M.

Call to order and Pledge of Allegiance.

Mayor Riley called the meeting to order at 7:00 p.m. and asked that the minutes reflect that the following members of Council were present: Reyna, Baldrige, Dean and Nelson. Mayor Riley announced that Councilman Manea had notified the Mayor that his travel flights were delayed and that his absence would be excused until his arrival.

City Manager Lambert, City Secretary Feutz, Police Chief Wallace, Fire Chief Irwin, City Accountant Wallace, Community Development Director Smith, HR Officer/Assistant City Secretary Caldera, Public Works Director Vick, Public Works Assistant Director Stolz, and City Attorney Jacobson were also present.

Mayor Riley asked Councilmember Nelson to lead the Pledge of Allegiance.

Proclamation declaring the week of September 16 - 23, 2007 as "Clean-up, Fix-up and Paint-up Week".

Mayor Riley read the proclamation aloud and presented it to Public Works Director Vick and Assistant Director Stolz. Mr. Vick encouraged everyone to participate and the Mayor encouraged everyone to consider recycling usable items.

Citizens to be heard and time for objections to the Consent Agenda.

Mayor Riley asked Council if they wished for any item to be removed from the Consent Agenda for further discussion. Hearing no one, Mayor Riley then asked if anyone in the audience wished to address the Council.

Resident Al Uvietta addressed Council asking them to reconsider having the proposition for an economic development sales tax on the ballot. He explained that he didn't think that popular projects identified in surveys by businesses and citizens were reflected in the proposed proposition language and he felt that voter rejection of the sales tax for economic development would imperil the ballot proposition for a sales tax for street maintenance and repairs.

Resident Hubert Lange addressed Council to oppose the proposed lower tax rate for 2007 as listed under agenda Item #6. Mr. Lange voiced his concerns about the Council's plans to cut funding for a full time Code Enforcement Officer. He asked Council to reconsider cutting the funding which will cut the services that are provided by having a full time Code Enforcement Officer for the City.

Resident Liz Maloy addressed Council asking Council to give favorable consideration to adding 1% to the budgeted 2% COLA for employees from the savings with the new group health insurance program. She also asked Council to consider restoring the Code Enforcement

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Officer's position back to a full time position and expressed her concerns about a citizen volunteer force of Code Enforcement Officers. She urged Council to spend budgeted funds for an economic development plan before bringing the issue of an economic development sales tax to the voters.

Mayor Riley asked if anyone else wished to address Council; seeing no one, she asked for a motion on items listed on the Consent Agenda.

Consent Agenda

**Consider approval of minutes of the Regular City Council Meeting of
August 21, 2007 and the Special Council Meeting of August 27, 2007.**

**Consider M&C # 09-01-07 - a request to authorize final payment to Miracle
Recreation Equipment Company in the amount of \$180,989 for adaptive
playground equipment (Stolz).**

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve the Consent Agenda as listed on the agenda. Upon unanimous vote, the motion carried.

Regular Agenda

**First Public Hearing to consider M&C # 09-02-07 - the first public hearing on the
proposed 2007 tax rate of \$.527400 per \$100 valuation, which is .01 cent lower than the
2006 tax rate of \$.537400 (Lambert).**

Mayor Riley announced that the City Manager would present information on the proposed tax rate for 2007. She stated that this public hearing is the first of two public hearings to consider the tax rate and that a second public hearing would be held on September 11, 2007 at the next City Council meeting in the Council Chambers of City Hall. Mayor Riley also stated that the vote on the proposed tax rate would be during the City Council meeting of September 18, 2007 at 7:00 p.m., in Council Chambers at City Hall.

City Manager Lambert presented information on the 2006 adopted tax rate of 0.537400 and the proposed 2007 tax rate of 0.527400. He explained that if the proposed tax rate was higher than either the effective tax rate or the rollback tax rate, the two public hearings were required under the law. He reported that the average home value in Leon Valley had increased from 2006 by about \$11,791 to \$116,994 which would make the average tax increase by \$51.67 per year to \$617.03 with the proposed tax rate.

Mayor Riley announced that the public hearing was open at 7:25 p.m. and she invited anyone in the audience to address the Council on the tax rate. Hearing no one, Mayor Riley closed the public hearing at 7:26 p.m and reminded the audience of the second public hearing to be held September 11, 2007.

**Public Hearing to consider M&C # 09-03-07 with attached ordinance - a request to revise
City Code Chapter 30 "Zoning", Section 30.900.f., "Landscaping Requirements", to
create tree preservation regulations for residential zoning districts (Smith).**

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Community Development Director Smith addressed Council explaining that although Council had approved the Tree Preservation Ordinance on August 8, 2007 for new and redevelopment of residential and commercial lots, the proposed regulations are recommended for each residential district by requiring a certain number of trees be planted on each residential lot from the approved tree list in Appendix A of the ordinance. She noted that the regulations would not prevent a homeowner from removing a tree at their discretion, but will assure that at least a certain number of trees remain on the property and does not require the homeowner to obtain a permit for any tree removal. Ms. Smith reviewed the proposed requirements for each residential zoning district and reported that on August 28, 2007, the Zoning Commission recommended approval by a vote of 7 to 0 for the proposed tree preservation regulations for residential-zoned districts of the City.

Answering questions from Council, Ms. Smith stated that the new regulations will be publicized and will be monitored on a complaint basis by Code Enforcement.

Mayor Riley opened the public hearing at 7:29 p.m. for comments from the audience; hearing no one, Mayor Riley closed the public hearing at 7:30 p.m.

A motion was made to Councilmember Baldrige, seconded by Councilmember Dean, to approve the amendments to the City Code Chapter 30 "Zoning" for Landscaping Requirements as presented. Upon unanimous vote, Mayor Riley announced the motion carried and thanked the Zoning Commission for their work on the regulations.

Public Hearing to consider M&C # 09-05-07 - with attached ordinance - amending City Code Chapter 30 "Zoning", Section 30.4001 "General Statutes, Ordinances and Rules Applying to the Zoning and Land Use Commission, f., "Terms of Members" - revising Zoning Commission member terms of office to create staggered terms of office (Smith).

Community Development Director Smith addressed Council explaining that the Zoning Code states that the term for a Zoning Commissioner begins on June 1st of every even-numbered year and expires May 31st of the even-numbered year, so that they are co-terminus with the term of the Mayor. She reported that the Zoning Commission requested that a change be made so that at least one or more members of the Commission remain seated to provide continuity and experience to new Commission members. She stated that the proposed changes recommend creating Commission Place Numbers 1 through 7 and would have odd-numbered places (1, 3, 5 and 7) change on June 1st of the odd-numbered years and Places 2, 4 and 6 change in the even-numbered years beginning June 2008.

Zoning Commission Chair Guerra addressed Council stating that at the August 28, 2007 Zoning Commission Meeting, the Commission did not regard any specific problems with the current system, other than they felt that it could be improved with the changes recommended for staggered terms of office for continuity on the Commission.

Mayor Riley opened the public hearing for comments from the audience at 7:33 p.m.; hearing no one, Mayor Riley closed the public hearing at 7:34 p.m.

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to approved the changes to the Zoning Code as recommended by the Zoning Commission for staggered terms

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for members and alternates of the Zoning Commission. Upon vote, Mayor Riley announced the motion carried.

**Consider M&C # 09-06-07 - a request to authorize acceptance of Bid # 2007- 06-
Insurances for Property, Workers' Compensation and Liability for FY 2008 (Lambert).**

City Manager Lambert addressed Council stating that after receiving notice that the premium rates for workers' compensation coverage for FY 2008 would increase by 56%, formal bids were advertised and accepted as per the law. He stated that only two bids were received, and of those, only one was a full bid - from the City's current provider. Mr. Lambert reviewed the bid submitted by Great American Insurance, from J&A and Associates locally, and stated that they had not bid on several components of the property and liability requested coverage and had not bid at all on the workers' compensation coverage. He stated that he considered higher deductibles, but the minimal savings in premiums as compared to costs to the City for claims did not seem cost effective. He noted that the Texas Municipal League - Intergovernmental Risk Pool (TML-IRP) offers a 3% discount of total premiums with full premium payment on October 1st and it offers comprehensive coverage. He noted that the new Human Resources Officer had attended a class with TML-IRP representatives reviewing measures that the City can take for updating our safety program and he reported that she will be working on ways to reduce employee injuries on-the job.

Following discussion on safety programs being offered to employees to reduce workers' compensation claims, a motion was made by Councilman Reyna, seconded by Councilmember Baldrige, to approve the award of Bid # 2007-06 for Property, Workers' Compensation and Liability Coverage for FY 2008 to the Texas Municipal League-Intergovernmental Risk Pool (TML-IRP). Upon unanimous vote, Mayor Riley announced that the bid was awarded to TML-IRP.

Consider M&C # 09-07-07 - a request to consider reallocation of FY 2008 group health insurance budgeted moneys (Lambert).

Mayor Riley reported that employees of the City of San Antonio were receiving only a 2.11% COLA increase for FY 2008. She also reported that 43 of 105 of Leon Valley's employees would receive a merit increase of 5% in pay in FY 2008 and she added that employees who no longer receive merit pay receive longevity pay.

City Manager Lambert reported that there was a savings of \$103,852 from both the health insurance bid and from the Code Enforcement Officer cutback. He reported that a 1% COLA would cost the City \$59,655.

Mayor Riley stated that the Code Enforcement Officer will be half of the Animal Control Officer's duties and that Mr. Lambert has worked with a group of code enforcement volunteers in other cities. Mr. Lambert reported that a full time Code Enforcement Office would cost approximately \$35,000 annually for salary and benefits.

Councilmember Dean recommended that other employees report to the Code Enforcement Officer violations observed in the City so that Code Enforcement can investigate and take action. He recommended that Police Officers on patrol report code violations to the Code

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Enforcement Officer for follow-up. Mr. Lambert reported that Waste Management drivers also will report violations to Code Enforcement.

Following discussion, a motion was made by Councilmember Dean, seconded by Councilmember Nelson, to increase the employee COLA by another 1% for a total COLA of 3% for FY 2008. Upon vote, Mayor Riley announced that the motion carried.

Discussion and consider repeal of Ordinance # 07-039 "An Ordinance of the City Council of the City of Leon Valley, Texas, Ordering a Special Election to be held in the City of Leon Valley on the 6th day of November 2007 for the purpose of allowing voters to vote for or against the adoption of a one-fourth (1/4) of one percent sales and use tax, under the provisions of Section 4B of the Development Corporation Act of 1979 (Art. 5190.6, V.T.C.S.), in the City of Leon Valley for economic development; designating the entire City as one election precinct; designating the polling place; appointing election officials; providing for early voting; providing for the use of voting machines; and providing details relating to the conduct of holding the election according to applicable provisions of law".

Mayor Riley read the agenda item title aloud and asked the Citizens Neighborhood Progress Committee's Council Liaison, Councilman Reyna, to start the discussion on the item. Councilman Reyna stated that the Citizens Neighborhood Progress Committee (CNPC) had met since the last Council meeting and that they felt that information could not be gathered in time for the election and were recommending that Council consider repealing Ordinance # 07-039, an ordinance requesting a proposition for a Section 4B sales tax for economic development.

Following Council discussion which expressed the need for additional time to better prepare the projects and costs for citizen consideration in the future, and after expressing their appreciation for the work done already by the CNPC, a motion was made by Councilman Reyna, seconded by Councilmember Dean, to repeal Ordinance #07-039, which called for an election proposition for the Section 4B sales tax for economic development. Upon unanimous vote, Mayor Riley announced that the ordinance was repealed.

Discussion Agenda

Presentation by Forest Oaks Community Association Board (FOCA) with proposal for City to partner with City in operating and repairs of FOCA Tennis Court (Renee Baird).

Renee Baird, a resident and Board member from the Forest Oaks Community Association (FOCA) Board, addressed Council asking Council to consider entering into a partnership with the FOCA to operate the FOCA tennis court. Ms. Baird explained that the FOCA tennis court needs resurfacing and maintenance which the FOCA could not afford and proposed that the City consider entering into an agreement with the FOCA. She explained that an agreement could allow all residents of the City to use the FOCA tennis courts for a set period of time and after a number of years the courts would revert back to the FOCA.

Councilman Manea joined the meeting at 8:20 p.m. Mr. Manea apologized for his delay.

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Resident Steve Rapkin addressed Council stating that the FOCA encourages the health and well being of the community and recommended that the basketball hoop be removed from the tennis court area and the Council give favorable consideration to the request.

Resident Craig Basset addressed Council in support of an agreement with the City and FOCA and the elimination of a basketball hoop on the tennis court.

Resident Robert Flaughter asked that a public hearing be held when Council considers action on an agreement with the FOCA for the tennis court and Mayor Riley agreed that a public hearing could be held.

Council discussion continued on whether the FOCA members were in favor of the idea, should the proposal go to the Park Commission for consideration, what liability insurance would cover the tennis court, and how expenses would be shared. Ms. Baird asked that Council expedite action on their request.

Discussion on an amendment to the City Code Chapter 19 "Plumbing" to add Section 19.500 "Rain Water Harvesting" (Smith).

Community Development Director Smith addressed Council presenting information on Rainwater Harvesting Regulations that could be added to the City Code, Chapter 19 "Plumbing". She stated that the regulations would encourage rainwater collection by residential and commercial property owners, set standards for regulating rainwater harvesting systems and related equipment and would require permits and inspection to prevent mosquito infestations, screen large cisterns from public view and protect the public's health, safety and welfare. Ms. Smith stated that the Texas Rainwater Harvesting Evaluation Committee finalized their report in November 2006 which recommended that Texas cities enact ordinances requiring their permitting staff and building inspectors to become more knowledgeable about rainwater harvesting systems which would allow such systems in homes with the application of water quality standards, cross-connection safeguards, and appropriate water quality standards.

Councilman Manea recommended that permit fees be lowered to provide incentive for residents to take advantage of the program. Ms. Smith answered that permit inspection fees by the inspector to the City were \$30, but stated that the amount charged for a permit was at the discretion of the Council.

Councilman Reyna asked about using grants to fund programs to promote rainwater harvesting. Ms. Smith stated that the programs for rainwater harvesting were so new, that grant availability was scarce. Mr. Lambert reported for every square foot of roof, one-half inch of rainwater can be harvested from every inch of rain. Councilmembers favorably discussed the issued but no action was taken.

Discussion on animal control in Raymond Rimkus Park - signage, patrols, code enforcement. (Lambert).

City Manager Lambert reported that after receiving complaints about unleashed animals and other violations in the park, he reported that six measures have begun: hourly police patrols in the park with Police Officers walking around in the park to provide better visibility of officers; the Police Chief is investigating reactivating the L.V.P.D. bicycle patrol by obtaining costs for

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equipment and looking at using Reserve Officers on the weekends in the park; a new Code Enforcement Officer - part -time officer will be working his part-time hours Wednesday - Sunday to assist with patrol in the park; new signage identifying the rules and fines for violations will be installed in the park; a volunteer Code Enforcement Officer program is being reviewed to see if there is interest in community participation in the program; and he reported that he is reviewing whether the City park is now at a size where it needs a part-time City Park Patrol Officer.

City Manager's report..

Mr. Lambert reported that the Public Works Department had developed a four-year plan for street maintenance and repairs that could be funded by the proposed Street Maintenance Sales Tax. He delivered copies of the plan to each member of Council and asked them to review the plan. He recommended that a workshop would be helpful to hear Council's comments and that citizen input be solicited after the election in November through public meetings and possibly putting the list on the City's website.

Councilman Reyna asked that the information be reviewed by the City Attorney before it was put on the website or published in regards to the sales tax measure and Mayor Riley confirmed that was the plan.

Citizens to be heard.

Resident and CNPC Chair Nancy Marin addressed Council asking them to consider providing additional funding for economic development efforts from money currently budgeted for street maintenance and repairs, if the Street Maintenance Sales Tax election measure is successful. She recommended that the City consider \$150,000 to \$200,000 be dedicated for economic development.

Announcements.

Councilmember Baldrige congratulated City Accountant Vickie Wallace for her receipt of the Government Finance award again.

Mayor Riley announced that the Trade & Market Day would be held September 8, 2007; the Grandparents' Day Concert would be held on September 9th, the dedication ceremony for the new adaptive playground equipment would be held on September 22nd at 10 am at the park, and that the MPO would be holding a meeting on September 27, 2007 at 6 pm on future transportation issues.

Mayor Riley reported that she had met with City of San Antonio Councilman Justin Rodriguez and learned more about the new 50-acre Crystal Hills Park. She announced that she has appointed Al Uvietta, Bill Cooper and Bert Thomas to participate with San Antonio in that park project. She stated that she also talked to Councilman Rodriguez about clearing the area south of Leon Valley to address the drainage from Huebner Creek and will followup with additional meetings with County Commissioners.

Mayor Riley reported that the MPO is funding a traffic light synchronization program for San Antonio, and Bandera Road in Leon Valley will be included in that project, that should be completed in September 2008.

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She thanked the Zoning Commission for all their work on the Master Plan public meetings and for listening to the citizens.

Resident Rick Rangel addressed Council reporting that he also has been in touch with County Commissioner Paul Elizondo and the San Antonio River Authority trying to get them to look at the creek drainage issue.

**Convene into executive session in accordance with the Texas Government Code,
Section 551.074, "Personnel Matters" to discuss the selection for City Attorney Services.**

Mayor Riley announced that Council would convene into executive session in accordance with the Texas Government Code, Section 551.074, "Personnel Matters" to discuss the selection for City Attorney Services at 9:00 p.m.

Reconvene into open session.

Mayor Riley convened the Council into open session at 10:00 p.m.

Consider discussion and any action as appropriate from executive session.

Mayor Riley announced that there would be no action taken at this time, but that another executive session would be held at the next City Council meeting on September 11, 2007. Council agreed by consensus to hold the executive session at the end of regular agenda.

Adjourn.

Mayor Riley asked if there was any other business to be heard, and hearing no one, she announced the meeting adjourned at 10:10 p.m.

ATTEST:

Chris Riley
Mayor

Marie Feutz
City Secretary

Minutes were approved by City Council vote at the September 18, 2007 Regular City Council Meeting.